

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 7

Diamond Finance Co., Inc.,

Case No. 820-71877-A736

Debtor.

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ORDER MODIFYING THE AUTOMATIC STAY

Upon the application dated November 10, 2020, (the “Application”) of Marc A. Pergament, as Chapter 7 Trustee (the “Trustee”) of the Estate of Diamond Finance Co., Inc., (the “Debtor”), seeking the entry of an Order, (a) pursuant to 11 U.S.C. §§ 105 and 362(d)(1) and Rule 4001 of the Federal Rules of Bankruptcy Procedure: modifying the automatic stay to permit the entry of the Decision & Order dated October 21, 2020 (“Decision & Order”) issued by the Supreme Court of the State of New York, Second Appellate Division (“Appellate Division”), which vacated a clerk’s judgment entered against the Debtor in favor of Ms. Barnett; and a hearing on the Motion having been held before the Court on December 14, 2020 and January 25, 2021; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (ii) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iv) notice of the Application was sufficient and no additional notice of hearing on the Application is required under the circumstances; (v) the relief sought in the Application is in the best interest of the Debtor’s estate, its creditors and other parties in interest; and that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED, that the Application is granted to the extent set forth herein, and it is further

ORDERED, that the automatic stay is hereby vacated to permit the Trustee to seek relief from the Supreme Court of the State of New York, Second Judicial Department, with respect to the judgment entered in the matter of *Eugenie J. Barnett, respondent v. Diamond Finance Company, Inc., appellant*, Docket Number 2018-00053, and it is further

ORDERED, that neither retroactive nor *nunc pro tunc* relief from the automatic stay is being granted, and it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

**Dated: Central Islip, New York
February 1, 2021**



A handwritten signature in black ink, appearing to read "Robert E. Grossman".

**Robert E. Grossman
United States Bankruptcy Judge**